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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,394	04/26/2000	TOMAS EDSTROM	SUNDS-112	5653

530 7590 01/15/2004  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

21

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/530,394

Applicant(s)

EDSTROM, TOMAS

Examiner

John R. Paradiso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: it is dependent upon a cancelled claim (claim 7)

Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments filed 10/16/2003 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 6 and 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JONSSON (US 5746120) in view of MATHEY (US 2232956) or NELSON ET AL (US 2711026) or PETERSEN (US 3318005).

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5. JONSSON discloses a method and apparatus for binding wire (12) around an object (13).

A feed wheel (22), powered by a servomotor (24), feeds the wire along a wire guide rail (14).

The guide is closed during feed and opened thereafter. The wire is knotted by tying member (15). The wire is fed first forward and then reversed, with position of the end of the wire being monitored. (JONSSON col. 2:49-3:38 and Figure 1.). A measuring device (33) counts the wire as it is fed out (JONSSON col. 3:30-33).

6. JONSSON does not specifically disclose a separate measuring device for the wire.

7. MATHEY discloses a machine and method in which a length of cable (7) is fed when pulled from a supply (MATHEY page 1, col. 1:52-2:9). A separate measuring device (2) monitors and measures the cable as it is pulled from the supply. The measuring device comprises twin runners (3, 5) which are connected by means of gears to a measuring means (37) (MATHEY page 1, col. 2:43-55) that indicates how much cable has been fed out. The twin runners have contact surfaces with a straight profile (MATHEY Fig.1). Corresponding twin dolly rolls (4, 6) contact the wire to keep the wire in contact with the runners (MATHEY page 2, col. 2:64-75).

8. NELSON ET AL discloses a machine and method in which a length of wire (W) is fed when pulled from a supply. A separate measuring device monitors and measures the wire as it is pulled from the supply. The measuring device comprises a runner (20) which is connected to a measuring means that indicates how much cable has been fed out. The runner has a contact surface with a straight profile (NELSON ET AL Fig.1). Corresponding twin dolly rolls contact the wire to keep the wire in contact with the runner (MATHEY page 2, col. 2:64-75). (NELSON ET AL col. 1:58-2:12 and 2:19-42).

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9. PETERSEN discloses a machine and method in which a length of cable (11) is fed when pulled from a supply (PETERSEN col. 2:44-55). A separate measuring device monitors and measures the cable as it is pulled from the supply. The measuring device comprises a runner (12) which is connected to a measuring means (13) (PETERSEN col. 2:52-55) that indicates how much cable has been fed out. The runner has a contact surface with a straight profile (PETERSEN Fig. 2). A corresponding dolly roll (28) contacts the wire to keep the wire in contact with the runners (PETERSEN col. 3:29-35).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of JONSSON by adding a separate measuring device, as taught by MATHEY, NELSON ET AL, or PETERSEN for the binding wire in order to more effectively determine the amount of binding material needed and used.

11. Examiner also notes that because the measuring device of JONSSON and the measuring devices of MATHEY, NELSON ET AL, or PETERSEN were art-recognized equivalents in the packaging art at the time the invention made, one of ordinary skill in the art would have found it obvious to substitute any of the measuring devices of MATHEY, NELSON ET AL, or PETERSEN in the invention of JONSSON in order to more effectively determine the amount of binding material needed and used.

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*Reference Citations*

12. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- DEMCHAK ET AL discloses a machine and method for measuring line comprising rollers (20, 26).
- MATHEY ET AL (US 2060233) discloses a machine and method for measuring line comprising rollers.
- SMART ET AL discloses a machine and method for the linear measuring of fabric in which a dolly roll maintains the fabric in contact with a measuring roller.
- KURKJIAN discloses a machine and method for measuring line comprising rollers.

*Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

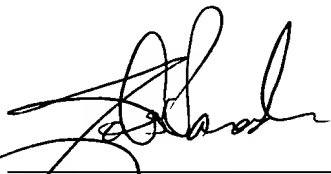
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825

  
Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700

January 7, 2004

**Additional Phone Numbers:**

Supervisor Rinaldi Rada: (703) 308-2187  
TC 3700 Receptionist: (703) 308-1148  
Customer Service: (703) 306-5648  
Fax (directly to Examiner) (703) 746-3253  
Fax (Official): (703) 872-9306